

**AMENDMENT AND RESPONSE TO OFFICE ACTION**

**Amendment**

**In the Claims**

1. (currently amended) A milnacipran formulation that provides pulsatile release of milnacipran to produce a therapeutic effect over approximately 24 hours when administered to a patient in need, with diminished incidence or reduced intensity relative to ~~one or more immediate release milnacipran~~ side effects resulting from administration of the same dose of milnacipran administered in an immediate release formulation.

2. (original) The milnacipran formulation of Claim 1, wherein the side effect is nausea.

3. (original) The milnacipran formulation of Claim 1, wherein the side effects are selected from the group consisting of vomiting, headache, tremulousness, anxiety, panic attacks, palpitations, urinary retention, orthostatic hypotension, diaphoresis, chest pain, rash, weight gain, back pain, constipation, vertigo, increased sweating, agitation, hot flushes, tremors, fatigue, somnolence, dyspepsia, dysoria, nervousness, dry mouth, abdominal pain, irritability, and insomnia.

4. (currently amended) The milnacipran formulation of Claim 1 comprising:

(a) an immediate release dosage unit comprising a first dose of the active agent that is released substantially immediately following oral administration of the dosage form to a patient resulting in the first plasma level peak at a time between approximately 0.05 hours to less than 3 hours following oral administration;

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(b) a delayed release dosage unit comprising a second dose of the active agent and a means for delaying release of the second dose resulting in the second plasma level peak at a time between approximately 3 hours to less than 14 hours following oral administration of the dosage form; and optionally

(c) a second delayed release dosage unit comprising a third dose of the active agent and a means for delaying release of the third dose resulting in the third plasma level peak at a time between approximately 5 hours to less than 18 hours following oral administration of the dosage form.

5. (canceled)

6. (original) The milnacipran formulation of Claim 1 providing milnacipran blood plasma levels that are characterized by C<sub>max</sub> below approximately 3000 ng/ml.

7. (original) The milnacipran formulation of Claim 6 providing milnacipran blood plasma levels that are characterized by C<sub>max</sub> below approximately 2000 ng/ml.

8. (original) The milnacipran formulation of Claim 6 providing milnacipran blood plasma levels that are characterized by C<sub>max</sub> below approximately 1000 ng/ml.

9. (original) The milnacipran formulation of Claim 1 further comprising at least one other active compound selected from the group consisting of analgesics, anti-inflammatory drugs, antipyretics, antidepressants, antiepileptics, antihistamines, antimigraine drugs, antimuscarinics, anxiolytics, sedatives, hypnotics, antipsychotics, bronchodilators, anti asthma drugs, cardiovascular drugs, corticosteroids, dopaminergics, electrolytes, gastro-intestinal drugs,

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muscle relaxants, nutritional agents, vitamins, parasympathomimetics, stimulants, anorectics, and anti-narcoleptics.

10. (original) The milnacipran formulation according to claim 9, comprising one or more compounds selected from the group consisting of aceclofenac, acetaminophen, adomexetine, almotriptan, alprazolam, amantadine, amcinonide, aminocyclopropane, amitriptyline, amolodipine, amoxapine, amphetamine, aripiprazole, aspirin, atomoxetine, azasetron, azatadine, beclomethasone, benactyzine, benoxaprofen, bermoprofen, betamethasone, bicifadine, bromocriptine, budesonide, buprenorphine, bupropion, buspirone, butorphanol, butriptyline, caffeine, carbamazepine, carbidopa, carisoprodol, celecoxib, chlordiazepoxide, chlorpromazine, choline salicylate, citalopram, clomipramine, clonazepam, clonidine, clonitazene, clorazepate, clotiazepam, cloxazolam, clozapine, codeine, corticosterone, cortisone, cyclobenzaprine, cyproheptadine, demexiptiline, desipramine, desomorphine, dexamethasone, dexanabinol, dextroamphetamine sulfate, dextromoramide, dextropropoxyphene, dezocine, diazepam, dibenzepin, diclofenac sodium, diflunisal, dihydrocodeine, dihydroergotamine, dihydromorphine, dimetacrine, divalproxex, dizatriptan, dolasetron, donepezil, dothiepin, doxepin, duloxetine, ergotamine, escitalopram, estazolam, ethosuximide, etodolac, femoxetine, fenamates, fenoprofen, fentanyl, fludiazepam, fluoxetine, fluphenazine, flurazepam, flurbiprofen, flutazolam, fluvoxamine, frovatriptan, gabapentin, galantamine, gepirone, ginko bilboa, granisetron, haloperidol, huperzine A, hydrocodone, hydrocortisone, hydromorphone, hydroxyzine, ibuprofen, imipramine, indiplon, indomethacin, indoprofen, iprindole, ipsapirone,

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ketaserin, ketoprofen, ketorolac, lesopitron, levodopa, lipase, lofepramine, lorazepam, loxapine, maprotiline, mazindol, mefenamic acid, melatonin, melitracen, memantine, meperidine, meprobamate, mesalamine, metapramine, metaxalone, methadone, methadone, methamphetamine, methocarbamol, methyldopa, methylphenidate, methylsalicylate, methysergid(e), metoclopramide, mianserin, mifepristone, milnacipran, minaprine, mirtazapine, moclobemide, modafinil, molindone, morphine, morphine hydrochloride, nabumetone, nadolol, naproxen, naratriptan, nefazodone, neurontin, nomifensine, nortriptyline, olanzapine, olsalazine, ondansetron, opipramol, orphenadrine, oxaflozane, oxaprazin, oxazepam, oxitriptan, oxycodone, oxymorphone, pancrelipase, parecoxib, paroxetine, pemoline, pentazocine, pepsin, perphenazine, phenacetin, phendimetrazine, phenmetrazine, phenylbutazone, phenytoin, phosphatidylserine, pimozone, pirlindole, piroxicam, pizotifen, pizotiline, pramipexole, prednisolone, prednisone, pregabalin, propanolol, propizepine, propoxyphene, protriptyline, quazepam, quinupramine, reboxetine, reserpine, risperidone, ritanserin, rivastigmine, rizatriptan, rofecoxib, ropinirole, rotigotine, salsalate, sertraline, sibutramine, sildenafil, sulfasalazine, sulindac, sumatriptan, tacrine, temazepam, tetrabenazine, thiazides, thioridazine, thiothixene, tiapride, tiasipirone, tizanidine, tofenacin, tolmetin, toloxatone, topiramate, tramadol, trazodone, triazolam, trifluoperazine, trimethobenzamide, trimipramine, tropisetron, valdecoxib, valproic acid, venlafaxine, viloxazine, vitamin E, zimeldine, ziprasidone, zolmitriptan, zolpidem, zopiclone and isomers, salts, and combinations thereof.

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11. (original) The milnacipran formulation of Claim 1, wherein the milnacipran is in the form of a therapeutically equivalent dose of dextrogyral or levrogyral enantiomers of the milnacipran or pharmaceutically acceptable salts thereof.

12. (original) The milnacipran formulation of Claim 1, wherein the milnacipran is in the form of a therapeutically equivalent dose of a mixture of milnacipran enantiomers or pharmaceutically acceptable salts thereof.

13. (canceled)

14. (currently amended) The milnacipran formulation of Claim 1, wherein the milnacipran is in the form of a therapeutically equivalent dose of para-hydroxy-milnacipran (F2782), individual enantiomers of para-hydroxy-milnacipran, mixtures of enantiomers of para-hydroxy-milnacipran, or pharmaceutically acceptable salts thereof.

15. (original) The milnacipran formulation of Claim 1 further comprising an enteric coating.

16. (original) The milnacipran formulation of Claim 1, wherein the administrable milnacipran unit dose is from 25 to 500 mg.

17. (original) The milnacipran formulation of Claim 1, wherein the administrable milnacipran unit dose is from 200 to 500 mg.

18. (original) The milnacipran formulation of Claim 14 comprising 25 to 500 mg milnacipran and 100 to 600 mg modafinil.

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19. (original) The milnacipran formulation of claim 1 comprising a mixture of beads or particles releasing drug at different times.

20. (original) A kit comprising the milnacipran formulation of Claim 1.

21. (original) The kit of Claim 20 comprising different dosage units of milnacipran to allow for dosage escalation.

22. (original) The kit of Claim 20 comprising instruction on taking the formulation once daily before bedtime.

23. (canceled)

24. (canceled)